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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,089	12/14/2005	Tomi Veikonheimo	034382-004	9066
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EXAMINER				
VENNE, DANIEL V				
ART UNIT		PAPER NUMBER		
3617				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/539,089

Applicant(s)

VEIKONHEIMO ET AL.

Examiner

DANIEL V. VENNE

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/21/2008 has been entered.

2. Claims 1, 11 and 12 are amended.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification describes "flow plates" which are features indicative of the propeller caps; however, the amended claims recite "flow blades" which is inconsistent with the terminology used throughout the specification. Although applicant indicates that the claim amendment of 10/11/2007 is sufficient to remove this ground of objection, the objection remains since the claims provided with the amendment filed 3/21/2008 does not reflect the 10/11/2007 amendments to the claims. In addition, the specification fails to adequately support the claim limitation added to claims 1, 11 and 12 reciting the "flow blades link up to each other and extend beyond an aft facing end of the cap", since the specification as originally filed does not sufficiently describe, explain or support this claim limitation as an essential feature of the invention.

Claim Objections

4. Claims 1, 4-8, 11 and 13 are objected to because of the following informalities:

Claims 1, 4-8, 11 and 13 recite the terms "flow blades" or "blades" for the feature described in the specification as "flow plates" or "plates".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varis (WO 0154971 A1), in view of Parsons (NO 10907). Varis teaches all of the claimed features, with the exception of at least two equally distributed flow plates arranged on the cap of the forward propeller radially projecting from the cap. Parsons teaches a propeller hub (boss) cap (cone) (Figs. 3-4) comprising a plurality of equally spaced flow plates (blades or vanes) [v] projecting from the cap in a radial direction with no inclination and without extending beyond the diameter of the cap for reducing cavitation and enhancing flow characteristics. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to modify to provide a propeller cap with flow plates as taught by Parsons for the forward propeller hub of Varis to create the invention as claimed by applicant. The motivation would have been to reduce or minimize cavitation effects.

Applicant's claim limitation added to claims 1, 11 and 12 and reciting "the flow blades link up to each other and extend beyond an aft facing end of the cap is not considered to carry any significant patentable weight, since this feature is not adequately described in the specification as an essential feature of the invention; see also paragraph 3 above. In addition, Parsons indicates (see second to last paragraph of specification, lines 40-42) that one beneficial result of the vanes (blades) about the cone is that water more easily closes in and presses (imparts pressure) on the cap (cone abaft the propeller boss), thus imparting additional forward thrust to the shaft; an extension of the vanes or blades beyond an aft facing end of the cap would enhance this beneficial result by allowing water to even more effectively close in and press on the cap to impart pressure and additional forward thrust to the shaft. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have the flow blades link up to each other and extend beyond an aft facing end of the cap. The rationale would have been to predictably enhance the flow of water to provide the expected result of allowing water to more effectively close in and press on the cap to impart pressure and additional forward thrust to the shaft.

7. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varis (WO 0154971 A1), in view of Parsons (GB 9792) (which is disclosed by applicant on IDS received 6/19/2007 and is essentially the same as Parsons (NO 10907). Varis teaches all of the claimed features, with the exception of at least two equally distributed flow plates arranged on the cap of the forward propeller radially projecting from the cap. Parsons teaches a propeller hub (boss) cap (cone) (Figs. 3-4) comprising a plurality of

Art Unit: 3617

equally spaced flow plates (blades or vanes) [v] projecting from the cap in a radial direction with no inclination and without extending beyond the diameter of the cap for reducing cavitation and enhancing flow characteristics. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to modify to provide a propeller cap with flow plates as taught by Parsons for the forward propeller hub of Varis to create the invention as claimed by applicant. The motivation would have been to reduce or minimize cavitation. Applicant's claim limitation added to claims 1, 11 and 12 and reciting "the flow blades link up to each other and extend beyond an aft facing end of the cap is not considered to carry any significant patentable weight, since this feature is not adequately described in the specification as an essential feature of the invention; see paragraph 3 above. In addition, Parsons indicates (see second to last paragraph of specification, lines 40-42) that one beneficial result of the vanes (blades) about the cone is that water more easily closes in and presses (imparts pressure) on the cap (cone abaft the propeller boss), thus imparting additional forward thrust to the shaft; an extension of the vanes or blades beyond an aft facing end of the cap would enhance this beneficial result by allowing water to even more effectively close in and press on the cap to impart pressure and additional forward thrust to the shaft. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have the flow blades link up to each other and extend beyond an aft facing end of the cap. The rationale would have been to predictably enhance the flow of

water to provide the expected result of allowing water to more effectively close in and press on the cap to impart pressure and additional forward thrust to the shaft.

Response to Arguments

8. Applicant's arguments filed 3/21/2008 have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning; so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding applicant's arguments regarding the claim limitation added to claims 1, 11 and 12 and reciting "the flow blades link up to each other and extend beyond an aft facing end of the cap", this claim limitation is not considered to carry any significant patentable weight, since this feature is not adequately described in the specification as an essential feature of the invention; see paragraph 3 above. In addition, Parsons indicates (see second to last paragraph of specification, lines 40-42) that one beneficial result of the vanes (blades) about the cone is that water more easily closes in and presses (imparts pressure) on the cap (cone abaft the propeller boss), thus imparting additional forward thrust to the shaft; an extension of the vanes or blades beyond an aft facing end of the cap would enhance this beneficial result by allowing water to even more effectively close in and press on the cap to impart pressure and additional forward

thrust to the shaft. Therefore, it would have been considered obvious as indicated above to provide for the vanes or flow blades to link up to each other and extend beyond an aft facing end of the cap, in order to allow water to more effectively close in and press on the cap to impart pressure and additional forward thrust to the shaft.

Conclusion

9. This is a continuation of applicant's earlier Application No. 10/539089. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel V. Venne whose telephone number is (571) 272-7947. The examiner can normally be reached between 7:30AM - 4:00PM. If attempts

Art Unit: 3617

to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DVV

/Lars A Olson/
Primary Examiner, Art Unit 3617